

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

FILED  
RICHARD W. NAGEL  
CLERK OF COURT

FEB 10 2025 11:00 A

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FABCON PRECAST LLC,

Defendant.

CASE NO. \_\_\_\_\_

JUDGE \_\_\_\_\_

INFORMATION

U.S. DISTRICT COURT  
SOUTHERN DISTRICT  
OF OHIO-COLUMBUS

2:25-CR-20  
Judge  
Watson

THE UNITED STATES ATTORNEY CHARGES:

COUNT ONE

(Willful Violation of OSHA Standard Causing Death)

At all times material to this Information, in the Southern District of Ohio, and elsewhere:

I. Introduction

1. Defendant FABCON PRECAST LLC (FABCON) was a Delaware Limited Liability Company with a manufacturing facility located in Grove City, Ohio, where it produced precast concrete panels.
2. FABCON utilized a single shaft concrete mixer for producing the wet concrete used in forming the precast panels. The mixer was fed various ingredients which were then blended by an electrically powered, rotating blade within the mixer interior to create the concrete. Once the concrete was properly mixed, a pneumatically powered discharge gate opened on the bottom of the mixer to release the concrete into a chute that carried it down towards the production floor.
3. Various components of the mixer, including the discharge gate, were sources of potentially hazardous energy.

4. At FABCON, employees known as batch operators, or “batchers,” were responsible for the operation of the mixer, including the cleaning of the mixer.

II. Occupational Safety and Health Act

5. The Occupational Safety and Health Act of 1970 (OSH Act), 29 U.S.C. § 651 et seq., was enacted to assure so far as possible every working man and woman in the nation safe and healthful working conditions. 29 U.S.C. § 651(b). The OSH Act authorized the United States Secretary of Labor, through the Occupational Safety and Health Administration (OSHA), to promulgate mandatory federal workplace safety and health standards. 29 U.S.C. § 655.
6. The OSH Act required that all employers (1) furnish to each of their employees a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm, and (2) comply with the occupational safety and health standards promulgated under the OSH Act. 29 U.S.C. § 654(a).
7. Congress provided for criminal culpability for an employer that commits a willful violation of a safety standard that causes death to any employee. 29 U.S.C. § 666(e).
8. OSHA promulgated federal workplace safety and health standards for general industry at Title 29, Code of Federal Regulations, Part 1910. Said standards included the requirement, among others, that employers establish a program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source, and rendered inoperative. 29 C.F.R. §1910.147(c).

**The Willful Violation of 29 C.F.R. § 1910.147(c)**

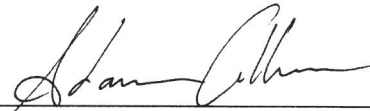
9. On or about June 6, 2020, in the Southern District of Ohio, the defendant,

FABCON PRECAST LLC,

an employer, willfully violated a standard promulgated pursuant to 29 U.S.C. § 655, that is, 29 C.F.R. § 1910.147(c), which required that employers establish a program consisting of energy control procedures, employee training and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up or release of stored energy could occur and cause injury, the machine or equipment shall be isolated from the energy source, and rendered inoperative, and said violation caused the death of Victim 1.

In violation of 29 U.S.C. §666(e).

KENNETH L. PARKER  
UNITED STATES ATTORNEY



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Adam C. Cullman (KY #93912)  
Special Assistant United States Attorney &  
Sr. Trial Attorney, Environmental Crimes Section  
Environment and Natural Resources Division